

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**AMY DIVINE; KARL MERCHANT; and
COLUMBUS JONES, on behalf of themselves
and all others similarly situated,**

PLAINTIFFS

v.

CIVIL ACTION NO.: 1:23cv196 HSO-BWR

SECURIX, LLC

DEFENDANT

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiffs hereby file their Response to Defendant's Motion to Dismiss (Dkt. 10) and state as follows:

1. On August 31, 2023, Defendant filed a motion to dismiss Plaintiffs' Section 1983 claim per Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, Rule 12(b)(1). Dkt. 10.
2. In their Complaint, Plaintiffs pled sufficient facts to state a Section 1983 claim that is plausible on its face. Dkt. 1. Based on the reasons and authorities contained in Plaintiffs' accompanying memorandum brief, the Court should deny Defendant's motion.
3. Pursuant to L.U.Civ.R. 7(b)(2), Plaintiffs have attached hereto their supporting exhibit.

Respectfully submitted, this the 14th day of September 2023.

PLAINTIFFS,

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